IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3890 OF 2005
IN
CRIMINAL APPEAL NO.580 OF 2005

1. Shirish Ramdas Ner
2. Ramdas Kaku Ner
3. Rajnibai Ramdas Ner ..Applicants

Vs.

The State of Maharashtra ..Respondent

...
Mr.A.P.Mundergi senior counsel with
Mr.P.P.Runwal Advocate for Applicants
Mr.A.D.Adsule, A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 16,2005

P.C.

1. Heard the learned counsel for the applicants and the learned A.P.P. for the State.

2. The applicants are praying for bail. The learned counsel for the applicants states that he is not pressing this application at this stage as far as applicant no.1-Shirish Ramdas Ner is concerned and he seeks liberty to file fresh application in respect of applicant no.1. Liberty

as prayed for is granted. Hence, this application is being considered only in respect of applicant nos.2 and 3 i.e. Ramdas Kaku Ner and Rajnibai Ramdas Ner.

3. The learned counsel for the applicants has submitted that the applicants have been convicted under Sections 498-A and 306 of IPC and maximum sentence imposed on the applicants is five years. It is further stated that the age of the applicant no.2 is almost 60 years and applicant no.3 is a lady whose age is about 53 years. Mr.Mundergi has stated that these applicants were on bail during the trial and they have not misused the liberty granted to them. This statement is not controverted on behalf of the prosecution.

4. Mr.Mundergi has further submitted that as far as these two applicants are concerned, there are no specific allegations against any of them and the allegations against them are only of general nature. On perusal of the evidence, I find much merit in this submission.

5. Looking to the age of the applicants and especially the fact that the applicant no.3 is a lady and other facts and circumstances of this case, I am inclined to grant bail to these two applicants i.e. applicant no.2 and applicant no.3.

6. Each of the applicants i.e. applicant no.2-Ramdas Kaku Ner and applicant no.3-Rajnibai Ramdas Ner to be released on bail in the sum of Rs.30,000/- with one or two sureties to make up that amount.

7. Application is disposed of.

[V.K.TAHILRAMANI,J.]